United States Court of Appeals for the Federal Circuit

# Key Rule Changes – April 2016

Key changes to the Federal Circuit local rules are included below as a courtesy to assist you in preparing your appeal. **Cases opened on or after April 1, 2016 must comply with the updated rules.** For complete details, please review the current rules and potential future changes by visiting the Court's online Rules and Notices pages at: www.cafc.uscourts.gov.

**Briefs** *Rule 28(g)(1)*: You may file a formal brief or an informal brief, but not both. Six paper copies are required for a formal brief; 3 for an informal brief.

**Email Address** The addition of a contact email address is required pursuant to *Rule15(a), Rule 47.3(c)(1)(2), and Rule 8(c).*

**Email Transmission for Pro Se Filers** *Rule 8(c), Rule 8 – Practice Notes and Rule 25(c)(2)(A):* A motion, response to a motion, reply to a response, or letter may now be filed by email (prose@cafc.uscourts.gov) or facsimile transmission if submitted by a pro se party. The certificate of service must state whether a copy has been served on all parties by email or facsimile transmission.

No other document, including for example an appeal or petition, may be filed or served by email or facsimile. A petition or appeal submitted by a pro se party **must** be filed with the court by mail or delivery, and the court must **receive** the document by the due date.

**Forms** Review the new forms on the website at: www.cafc.uscourts.gov. Most of the forms have been updated, specifically forms 11-16 (Informal Briefs).

**Merits System Protection Board** *Rule 47.9(a):* The 60 day window for filing a petition for review of a final order or decision now starts the **date the Board or arbitrator issues notice**, not when the Director receives notice.

**Number of Copies** The number of copies of briefs, appendices, motions, petitions for rehearing, and other documents are incorporated into the rules, previously in separate ECF rules and Administrative Order.

**Appeal** *Rule15(a):* Petition for Review/Notice of Appeals copies now 1 (from 3); additional copies are no longer required.

**Appendix** *Rule 30(a)(7):* The number of paper copies of the appendix to be served on or by each pro se party is now 1(from 2).

**Briefs** *Rule 31(b) and Rule 31(e)(4):* The number of paper copies of briefs for filing with the court is now 3 (not 12). For informal briefs the original copy is no longer required to be filed with the court.

**Case-Initiating Documents** *Rule 25(b)(2):* Case-initiating documents submitted by pro se parties must be provided to the court in paper. Only one copy is required. The paper document must be served on opposing counsel at the same time it is mailed or delivered to the court.

**All Other Documents** *Rule 25(c)(2)(B):* Unless otherwise ordered in a particular case, three paper copies of any briefs, appendices, or petition for rehearing must be submitted to the court on or before the due dates provided in these rules. For all other documents, including for example motions or letters, only one paper copy is required.

**Informal Petition for Panel Rehearing** *Rule 40(f):* The number of paper copies required for informal petitions and answers is now three copies (original no longer required).

**Petitions for Hearing or Rehearing En Banc** *Rule 35(c)(4) and (f):* The original copy is no longer required to be filed.

**Statement Concerning Discrimination** *Rules 15(c) and 15(c)(2):* When a claim of discrimination is made in a motion or brief, the respondent must now state (in their filing) whether the respondent agrees or not. The respondent should also indicate whether or not they believe that the court has jurisdiction over the petition for review, with reasons provided as necessary.